

FILED

APR 21 2008

CLERK OF SUPREME COURT
STATE OF WASHINGTON

80602-1

NO. _____

SUPREME COURT OF THE STATE OF WASHINGTON

(Court of Appeals, Division II, No. 32714-7-II)

CHERYL DELYRIA and JUDY KOCH,

Respondents,

v.

STATE OF WASHINGTON,
WASHINGTON SCHOOL FOR THE BLIND,

Petitioners.

PETITIONERS' STATEMENT OF ADDITIONAL AUTHORITY

ROBERT M. MCKENNA
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CLERK

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SUPREME COURT
STATE OF WASHINGTON
08 APR 21 AM 7:52
BY RONALD R. CARPENTER

Pursuant to RAP 10.8, Petitioners hereby submit the following additional authority in support of their Petition for Review. The issue for which the authority is offered is the Legislature's intent in enacting and implementing RCW 72.40.028, which is described more fully in the briefs below.

(1) Chapter 329, Laws of 2008, 60th Legislature:

Sec. 617. For the State School for the Blind

...

The appropriations in this section are subject to the following conditions and limitations


(1) \$10,000 of the general fund -- state appropriation for fiscal year 2008 and \$40,000 of the general fund -- state appropriation for fiscal year 2009 are provided solely to defend the state's interpretative position in the case of *Delyria & Koch v. Washington State School for the Blind*.

(Emphasis added.)

A copy of the session law is attached.

RESPECTFULLY SUBMITTED this 18th day of April, 2008.

ROBERT M. MCKENNA
Attorney General


W. HOWARD FISCHER, WSBA #6142
Senior Assistant Attorney General
Attorneys for State of Washington and
Washington School for the Blind

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their
counsel of record on the date below as follows:

☒ US Mail Postage Prepaid via Consolidated Mail Service

☐ ABC/Legal Messenger

☐ State Campus Delivery

☐ Hand delivered by

I certify under penalty of perjury under the laws of the state of
Washington that the foregoing is true and correct.

DATED this 18 day of April, 2008, at Olympia, WA.

KATH SJOOT

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2687

Chapter 329, Laws of 2008

(partial veto)

60th Legislature
2008 Regular Session

OPERATING BUDGET--SUPPLEMENTAL APPROPRIATIONS

EFFECTIVE DATE: 04/01/08

Passed by the House March 13, 2008
Yeas 64 Nays 32

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 13, 2008
Yeas 31 Nays 18

BRAD OWEN

President of the Senate

Approved April 1, 2008, 4:46 p.m., with the exception of sections 103(14); 113(2); 114(2); 123(6); 123(12); 125(41); 125(62); 125(76); 125(78); 125(84); 127(11); 127(12); 147(5); 202(26); 202(27); 202(33); 202(34); 202(36); 203(9); 204(1)(u); 204(3)(b); 204(4)(b); 206(21); 209(29); 211, page 135, lines 30-35; 212(10); 216, page 143, lines 20-27; 218(19); 218(20); 222(37); 222(46); 222(51); 222(53); 224(1)(h); 224(1)(i); 302(27); 302(32); 302(33); 302(37); 302(39); 303(18); 307(31); 307(32); 307(44); 308(27); 311(5); 501(2)(a)(vi); 501(2)(a)(x); 501(2)(c)(xv); 501(2)(c)(xvi); 501(2)(c)(xviii); 507(4); 507(5); 507(6); 511(46); 511(48); 601(2); 605(14); 605(23); 605(24); 606(23); 606(24); 606(26); 606(27); 607(19); 607(22); 607(23); 608(7); 609(8); 610(13);

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2687 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 2, 2008

Secretary of State
State of Washington

ATTACHMENT

1 (d) Recommend how to report the results of the assessment to
2 parents, the office of the superintendent of public instruction, and
3 the department of early learning in a common format, and for a
4 methodology for conducting the assessments;

5 (e) Analyze how the assessment could be used to improve instruction
6 for individual students entering kindergarten and identify whether and
7 how the assessment results could be used to improve the early learning
8 and K-12 systems, including the transition between the systems;

9 (f) Identify the costs of the assessment, including the time
10 required to administer the assessment; and

11 (g) Recommend how to ensure that the assessment shall not be used
12 to screen or otherwise preclude children from entering kindergarten if
13 they are otherwise eligible.

14 (15) \$120,000 of the general fund--state appropriation for fiscal
15 year 2009 is provided solely for encouraging private match investment
16 for innovative, existing local early learning coalitions to achieve one
17 or more of the following:

18 (a) Increase communities' abilities to implement their business
19 plans for comprehensive local and regional early learning systems;

20 (b) Involve parents in their children's education;

21 (c) Enhance coordination between the early childhood and K-12
22 system; or

23 (d) Improve training and support for raising the level of child
24 care givers' professional skills to ensure that children are healthy
25 and ready to succeed in school and life.

26 **Sec. 617.** 2007 c 522 s 615 (uncodified) is amended to read as
27 follows:

28 **FOR THE STATE SCHOOL FOR THE BLIND**

29 General Fund--State Appropriation (FY 2008) ((~~\$5,958,000~~))
30 \$5,969,000

31 General Fund--State Appropriation (FY 2009) ((~~\$6,186,000~~))
32 \$6,105,000

33 General Fund--Private/Local Appropriation ((~~\$1,600,000~~))
34 \$1,561,000

35 TOTAL APPROPRIATION ((~~\$13,744,000~~))
36 \$13,635,000

1 The appropriations in this section are subject to the following
2 conditions and limitations:

3 (1) \$10,000 of the general fund--state appropriation for fiscal
4 year 2008 and \$40,000 of the general fund--state appropriation for
5 fiscal year 2009 are provided solely to defend the state's interpretive
6 position in the case of *Delyria & Koch v. Washington State School for*
7 *the Blind*.

8 (2) \$5,000 of the general fund--state appropriation for fiscal year
9 2009 is provided solely for increasing salaries for certificated
10 instructional staff by an average of one-half of one percent effective
11 July 1, 2008.

12 **Sec. 618.** 2007 c 522 s 616 (uncodified) is amended to read as
13 follows:

14 **FOR THE STATE SCHOOL FOR THE DEAF**

15 General Fund--State Appropriation (FY 2008)	((\$8,731,000))
16	<u>\$8,858,000</u>
17 General Fund--State Appropriation (FY 2009)	((\$9,015,000))
18	<u>\$8,915,000</u>
19 General Fund--Private/Local Appropriation	((\$232,000))
20	<u>\$316,000</u>
21 TOTAL APPROPRIATION	((\$17,978,000))
22	<u>\$18,089,000</u>

23 The appropriations in this section are subject to the following
24 conditions and limitations:

25 (1) \$84,000 of the general fund--private/local appropriation for
26 fiscal year 2009 is provided solely for the operation of the shared
27 reading video outreach program. The school for the deaf shall provide
28 this service to the extent it is funded by contracts with school
29 districts and educational service districts.

30 (2) \$9,000 of the general fund--state appropriation for fiscal year
31 2009 is provided solely for increasing salaries for certificated
32 instructional staff by an average of one-half of one percent effective
33 July 1, 2008.

34 **Sec. 619.** 2007 c 522 s 617 (uncodified) is amended to read as
35 follows: